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Attorneys for Defendant Micron Electronics, Inc.

U.S. DISTRICT COURT
U.S. BANKRUPTCY COURT
DISTRICT OF IDAHO

MAY - 4 2004

M. REED
LODGED FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.
HINCKLEY, JACQUELINE T.
HLADUN, MARILYN J. CRAIG,
JEFFERY P. CLEVINGER, and
TIMOTHY C. KAUFMANN, individually
and on behalf of those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**MICRON ELECTRONICS, INC.'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT RE PAYMENT OF
COMMISSION PREMIUMS FOR
OVERTIME**

Defendant Micron Electronics, Inc. ("MEI") pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 7.1, moves this Court for an Order Granting Partial Summary Judgment Re Payment of Commission Premiums for Overtime to Defendant. Specifically, MEI asks this Court to conclude as a matter of law that MEI did include commissions in its overtime pay calculations during the relevant timeframe.

**MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT
RE PAYMENT OF COMMISSION PREMIUMS FOR OVERTIME - 1**


Boise-169949.1 0026493-00046

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This motion is supported by (1) Micron Electronics, Inc.'s Motion for Partial Summary Judgment Re Payment of Commission Premiums for Overtime, (2) Micron Electronics, Inc.'s Statement of Undisputed Facts, (3) the Affidavit of Robert Griffard, filed August 21, 2002 (Docket No.128), (4) the Affidavit of Gabe Weske, filed August 21, 2002 (Docket No. 127), (5) the Affidavit of Farrah Pippenger, filed August 21, 2002 (Docket No. 126), (6) the Second Affidavit of Robert Griffard, filed October 2, 2002 (Docket No. 158), (7) the Third Affidavit of Robert L. Griffard, filed concurrently herewith, and the pleadings on file in this case.

Dated this 4th day of May, 2004.

STOEL RIVES LLP

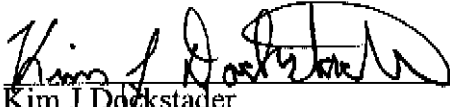

Kim J Dockstader
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2004, I caused to be served a true copy of the foregoing **MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE PAYMENT OF COMMISSION PREMIUMS FOR OVERTIME** by the method indicated below, addressed to the following:

William H. Thomas
Daniel E. Williams
Christopher F. Huntley
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250 South Fifth Street
PO Box 2188
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☐ Via U. S. Mail
☒ Via Hand-Delivery
☐ Via Overnight Delivery
☐ Via Facsimile



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